

1 them in the station?

2 A They were lying on some tables, I imagine.

3 Q When you initially submitted Exhibit C to the FCC,
4 did the original pages include the names, phone numbers?

5 A Yes, they did.

6 Q Did they include the credit card number and
7 expiration date?

8 A Yes, they did.

9 Q And what happened after SFUSD asked the FCC to
10 strike this exhibit, what actions did GGPR undertake at that
11 point?

12 A We blocked off the names and the credit card
13 numbers.

14 Q There were also documents that Dave Evans, you
15 said, helped obtain, one was an email correspondence
16 relating to Mr. Moon?

17 A Uh-hum.

18 MR. SHOOK: Is that a yes?

19 THE WITNESS: Yes. I'm sorry.

20 MS. REPP: I'm sorry?

21 MR. SHOOK: He did an uh-hum.

22 MS. REPP: Yes, thank you.

23 BY MS. REPP:

24 Q You knew which exhibit number it was. Do you know
25 how Mr. Helgeson -- excuse me -- Mr. Evans obtained that

1 email correspondence?

2 A I have no idea.

3 Q Do you know if Mr. Evans had access to other
4 individual's passwords for the computers?

5 A I don't know.

6 Q Did you have a concern when you supplied the email
7 correspondence to the FCC that it might be an unauthorized
8 document for you to possess?

9 A I had a concern about that, but I also felt, I
10 also felt because I didn't get it, I wasn't the one who
11 procured it, that I could include it in the petition. I
12 felt that it was damning enough evidence for what we were
13 trying to prove that I included it in.

14 Q Here's another document that's currently in the
15 record, it's a letter from the Law Firm of Brichenko &
16 Corne, dated October 1, 1997, are you familiar with this
17 letter?

18 A I've seen this before, yes.

19 Q And this letter was signed by whom?

20 A By Jeffrey Brichenko.

21 Q Is he a partner of Alan Corne, who you have
22 mentioned?

23 A At the time he was and we went and we had a
24 meeting with him --

25 Q With Mr. Brichenko?

1 A With Mr. Brichenko. He seemed like a nice enough
2 guy, we just felt he sent this letter without -- we felt
3 this letter was a little over the top for us, it's not the
4 way that we wanted to do stuff. We thought it was a little
5 bull dog'ish.

6 Q Excuse me?

7 A Bull dog'ish.

8 Q Okay.

9 A And so we never used Jeffrey Brichenko's advice or
10 anything again after that letter got sent out.

11 Q Did Mr. Brichenko give you an opportunity to
12 review this letter before it was sent out?

13 A I don't recall. I don't think so. Maybe.

14 Q Maybe?

15 A Maybe, yeah. And if he did, then I'm pretty sure
16 I looked at it, kind of gritted my teeth and said, well, I
17 guess this is what lawyers do, I don't know. But,
18 personally I did not like this letter, I thought it was not
19 -- let me just take a quick look here because I think I
20 might recall. Okay, he did show us this, now that I recall.
21 Okay. So, this was a month before, this is when we started,
22 at this point we started to put it together, the petition.
23 But, we had discussed with members of the Board of
24 Education, without saying we're going to file a Petition to
25 Deny if you don't wake up and start responding to these

1 things, we didn't say that to anybody on the board, so I
2 think this was, if I recall this was the first time that we
3 mentioned a petition. We had a meeting with Jeffrey
4 Brichenko and Alan Corne, and at that meeting we discussed
5 whether we should mention a Petition to Deny in a letter to
6 Ernie. And I think that the consensus was, well, he is a
7 lawyer, this is what they deal with, this is not like saying
8 this to someone on the Board of Education. So, I think
9 that's the reason why we sent this.

10 Q Were you aware, at the time that this letter was
11 submitted, fo the FCC rule that prohibits the receipt of
12 consideration for the withdrawal of a threat to file a
13 Petition to Deny?

14 A No, I wasn't.

15 Q The letter notes here, if you could read the third
16 paragraph on page two?

17 A Okay. Right, and that is actually wrong, but it's
18 not --

19 Q Which part is wrong?

20 A 'If good faith substantive negotiations aimed at
21 transfer of management of the station are not underway by
22 that date, then negotiations will cease and work on the
23 petition will begin.' Technically what we were proposing is
24 that GGPR would manage the radio station, but the proposal
25 itself that we presented to the board members that we talked

1 to, was that GGPR, that we would resign from GGPR and that
2 SFUSD would take it over and their appointees would actually
3 run it. So, essentially we've just created a 501(c)(3) for
4 you, and we've sort of ticked off one of the major things of
5 the KALW task force. But, of course with lots of, by this
6 time, by October 1st, I mean that was sort of not really
7 possible to talk about it in a conciliatory way.

8 Q What is inaccurate about this statement?

9 A The 'negotiations aimed at a transfer of
10 management of the station are not underway by that date'.

11 Q That part is inaccurate?

12 A Well, the way that this is framed, it sounds like
13 what we're saying is give us the station or else, and that's
14 not what our proposal outlines whatsoever. Our proposal is
15 quite different from that.

16 Q But was the intent here to say meet the terms of
17 our proposal, negotiate the terms of our proposal or we will
18 file a Petition to Deny?

19 A That was never our intention to say do this or
20 else. I think our purpose of this, of filing the petition,
21 was to wake someone up that there are problems. And our
22 proposal was one that fit within the KALW task force. So,
23 we never had this idea that we're going to create GGPR so
24 that we can take over KALW, we're going to create KALW
25 because it is a continuation of the KALW task force and so

1 this language here is a departure from the track that we had
2 been on. So, we made a mistake in the way that we worded
3 this, because that's not what it means. It's not what we
4 meant.

5 Q But, you did feel that there was a deadline
6 underway for you to take action at the FCC?

7 A There was a deadline in the sense of we needed to
8 inform SFUSD one last time there are serious problems with
9 the way the radio station is being run, and you've got to
10 take a look at these because we're going to file a Petition
11 to Deny against you. So, I think that it was not a, you
12 know, do what we want or else, it was more along the lines
13 of here is a stimuli, a stimulus out there and, you know,
14 please respond to this, and if you don't respond you're not
15 in compliance with the FCC, and this is going to happen,
16 it's going to have to happen.

17 Q But, even if the board had responded, that
18 wouldn't change the fact that they weren't in compliance, so
19 why the deadline?

20 A Well, because after October 31st you can't file a
21 petition.

22 Q But, if the station was not in compliance,
23 shouldn't you have wanted to file that no matter what the
24 board decided to do, how would the -- if your concern was
25 the station being out of compliance, how would having

1 negotiations underway affect the fact that you had that
2 deadline you needed to go to the FCC?

3 A I think that the dynamics of the situation were
4 such that when we went to Brichenko, one of the things that
5 he wanted to do was really stir things up because, if you
6 can't get someone's attention, then you really need to get
7 their attention. And it was a tactic that we weren't that
8 excited about. And so I think that this language here can
9 be construed to fit what our original contact with the SF
10 board members was. But, it can also be construed to be, you
11 know, do this or else. And so we felt it was strong and
12 that it, you know, clumsily fit where we were at, but we
13 wanted to give the SF board one last, you know, like a shot
14 across the bow, you've got to take care of this stuff
15 because, you know, there's only so much time and then this
16 petition is going to be filed. And I don't -- it does not
17 necessarily come down to you've got to do it our way or else
18 we're going to file this petition. I think what it is, is
19 you have to respond in some way to this stuff. You have to
20 say we're hiring people without using any EEO policy, we see
21 this and, you know, let's appoint someone to take care of
22 this, some board member to say we recognize what's going on
23 and -- like Jill Wynns, for example, but she said I don't
24 have any power, I can't do anything, you know, at the time,
25 I think she was brand new on the board and she felt like she

1 had no political pull whatsoever on the board. But, if
2 someone like Dan Kelley had said, wow, this is, wow, I had
3 no idea this was going on, let me check into this, you know,
4 that would have been a kind of response we were looking for.
5 It doesn't have to be, okay, we'll do the GGPR plan with the
6 task force and all that, that's not really what we were
7 looking for. We were looking for some sign that the radio
8 station can be diverted away from this, you know, bad track
9 it was on, away from that, and at least toward something
10 that could turn it around.

11 Q In terms of the GGPR plan, you mentioned that the
12 plan was that the founding members would retire from it.
13 Would you still be involved, however, as employees of the
14 non-profit?

15 A We would have to be hired on a competitive basis
16 like anybody else.

17 Q Would you have had an expectation that you would
18 have been hired?

19 A No, not at all.

20 Q Mr. Lopez, you've mentioned that you still provide
21 programming to the station on a volunteer basis. In that
22 connection you have had dealings with Nicole Savoya, the
23 current General Manager?

24 A One time.

25 Q One time.

1 A And I've never had any since.

2 Q Do you know what her reputation is in the Public
3 Radio community as her competence as a General Manager?

4 A She was at KPFA, I know that, and I know that Lynn
5 Chadwick, who is a friend of mine, although I haven't talked
6 to her for years, was the president of Pacifica Foundation,
7 which owns KPFA and several other radio stations, I know
8 that there was a running feud between Nicole and Lynne
9 Chadwick. Lynne Chadwick was the president of NFCB, I think
10 for a long time.

11 MR. SHOOK: Just to clarify, what is NFCB?

12 THE WITNESS: National Federation of Community
13 Broadcasters.

14 MR. SHOOK: Okay.

15 THE WITNESS: So, my only knowledge is what I've
16 read in the newspaper and I know Lynne, and she's a straight
17 shooter and I have no reason to doubt her. But, I know that
18 Lynne Chadwick fired Nicole, or at least didn't renew her
19 contract or something like that.

20 The other thing that I'm aware of is that Nicole
21 gets angry very easily. I've been told by people in the
22 broadcasting community that she picks enemies and keeps them
23 there and that's how it is and sees a world in terms of like
24 black and white. But, I don't know from personal
25 experience, I've never dealt with her. I did try to meet

1 with her because I figured Rojas is gone, there's movement
2 toward, you know, like the FBI and other organizations,
3 toward looking at what happened under Rojas. There's a new
4 General Manager here, I didn't know her very well at all,
5 but I contacted her and I just thought, wow, we can all be
6 heroes in this thing because maybe with a new
7 superintendent, you know, maybe with a new general manager,
8 I can get out from under this thing and we can all be heroes
9 and say we patched everything up. I wanted to meet with her
10 to discuss that and just to say can we just all just sort of
11 walk away from this. And before I had a chance to do that,
12 that letter went out on April 2001 which quite frankly was
13 full of bold faced lies. And I didn't know what to think of
14 it. And Nicole canceled our meeting that I was going to
15 have with her and suddenly took this very rigid stance
16 against the whole thing. And from then on, I don't know
17 what's happened, I've never spoken with her. I spoke with
18 her one time very early on when she was the General Manager,
19 and she told me that she had nothing to say to me unless she
20 had a lawyer present. So, that's all I know.

21 Q Are you a listener of KALW?

22 A Yes.

23 Q Do you think that the programming is meeting the
24 needs of the community?

25 A No more, no less than it has in the past. She's

1 put new programming on.

2 Q New locally produced programming?

3 A Yeah. But, we had old locally produced
4 programming before.

5 Q Has the overall amount of locally produced
6 programming increased to your knowledge?

7 A I think it has. I believe it has.

8 MS. REPP: That's it.

9 THE WITNESS: Okay.

10 MR. SHOOK: I have nothing further, Mr. Lopez. We
11 can go off the record now.

12 (Thereupon, at 5:44 p.m. the testimony of
13 Jason Lopez was concluded.)

14 I have read the foregoing pages 60 through
15 194, and they are a true and accurate record of my
16 testimony therein recorded, and any changes and/or
17 corrections appear on the attached errata sheet
18 signed by me.

19

20 JASON LOPEZ

21 Subscribed and sworn to before me

22 this ____ day of _____, 2004.

23

24 Notary Public

25 My Commission expires: _____

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REPORTER'S CERTIFICATE

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I hereby certify that the proceedings and evidence
are contained fully and accurately on the tapes and notes
reported by me at the hearing in the above case before the
Federal Communications Commission.

Date: 10/6/04

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